

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 2 of the Commission's Rules)	
to Allocate Spectrum Below 3 GHz for Mobile)	ET Docket No. 00-258
and Fixed Services to Support the Introduction of)	
New Advanced Wireless Services, including)	
Third Generation Wireless Systems)	
)	

MOTION OF COMSEARCH FOR LEAVE TO SUBMIT LATE COMMENTS

Pursuant to 47 C.F.R. §1.41 of the Federal Communication Commission (Commission) Rules, Comsearch respectfully submits this Motion to Submit Late Comments in the above-mentioned proceeding. The deadline for submitting initial comments in this proceeding was Friday, November 25, 2005. As described in the attached Declaration from H. Mark Gibson, Sr. Director of Business development, Comsearch attempted to file comments within this deadline through the Commission's Electronic Comment Filing System (ECFS). However, due to unfamiliarity with the ECFS, the comments were never uploaded into the system, though we believed they were.

The ECFS Electronic File Submission screen states, "Sending your comment is a 2-step process. The first step is to complete the Cover Sheet below. The second step is to choose one of the two transmittal methods: sending a file, or sending a short message that you type directly on this page." Once the file is uploaded to the Commission, there is actually a third step on another

screen that calls for the user to, “Finish Transaction and Receive Confirmation”. Due to our unfamiliarity with the system, we neglected to follow this third step.

Our comments were submitted from a home over a relatively slow dialup connection during a long holiday weekend. Upon clicking on the “Send Attached File to FCC” button, we believed the comments had been filed, and we left the computer to complete the file upload and automatically disconnect, considering the file upload time over a slow dialup connection was not instantaneous, and that we had completed the second step of the two-step process. Accordingly, we erroneously thought the process had been completed according to the instructions on the website. Being unfamiliar with the process, we did not know to wait for a confirmation. After checking the “Search For Filed Comments” section of the Commission’s website and not finding our comments posted after two business days¹, we contacted the ESFS Help Desk on Wednesday, November, 30, 2005 to learn that there was no record of our filing on Friday, November, 22, 2005. We immediately filed our comments again on Wednesday, November 30, 2005, employing the correct process.

We believe good cause exists for the Commission to accept Comsearch’s comments. Given that Comsearch has expressed interest in being involved with a cost-sharing clearinghouse², and that as an active frequency coordinator, we have a particular perspective on relocation and cost-sharing issues related to all potential participants, we believe the public interest would be served by consideration of Comsearch’s comments in this proceeding.

¹ Comment postings are not instantaneous, and several comments filed on Friday, November 22, 2005 were not posted until Monday, November 25. We decided to wait two days before contacting the ESFS Help Desk.

² See Letter from Diane Cornell, CTIA-The Wireless Association™, to Marlene H. Dortch, FCC, filed May 18, 2005.

Accordingly, we respectfully request that the Commission accept Comsearch' late-filed comments.

Respectfully Submitted,


/s/ H. Mark Gibson

H. Mark Gibson
Sr. Director, Business Development
COMSEARCH
19700 Janelia Farm Boulevard
Ashburn, Virginia 20147

Date: December 1, 2005

Declaration of H. Mark Gibson

1. My name is H. Mark Gibson. I am over eighteen years of age and competent to testify in these matters.
2. I am Senior Director, Business Development with Comsearch. I offer this declaration to support the attached Motion to Submit Late Comments.
3. On November 25, 2005, I unsuccessfully tried to submit comments on behalf of Comsearch in the proceeding, ET Docket 00-258 through the Electronic Comment Filing System (ECFS).
4. This is my second time using the ECFS.
5. I erroneously thought comments had been filed with the Commission upon completion of the file upload on the Commission's ECFS. I have subsequently learned that there is another step required to complete the process, and that Comsearch's comments were in fact not filed by the comment deadline, Friday, November, 25, 2005, though I thought they were.
6. Subsequent calls to the ECFS confirmed that Comsearch's comments were not received.
7. I re-filed Comsearch's comments on Wednesday, November 30, 2005.
8. I state under the penalty of perjury that the foregoing statements are true and correct. 47 CFR 1.16.



H. Mark Gibson
Sr. Director, Business Development
COMSEARCH
19700 Janelia Farm Boulevard
Ashburn, Virginia 20147

Date: December 1, 2005

CERTIFICATE OF SERVICE

I, H. Mark Gibson, hereby certify that on this 1st day of December, 2005, a copy of the above-mentioned comments was served via first class mail on the following:

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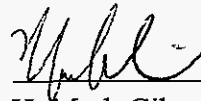
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